THE HON'BLE Ms. JUSTICE G.ROHINI

–

WRIT PETITION No. 341 of 2006

Date: 09-06-2006

Between:

Mandla Venkataramana

..... PETITIONER

AND

The Commissioner of Tribal Welfare,

DSS Bhavan, Hyderabad and two others.

....RESPONDENTS

THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION No. 341 of 2006

O R D E R:

The petitioner having appeared for Ed.Cet 2004-2005 obtained the rank - 16961 (State Rank) and 3341 (Local) and appeared for counselling in the month of May, 2005 before the second respondent-Convener, Ed.Cet, Hyderabad.

It is claimed by the petitioner that he belongs to Chenchu Community, which is notified as Scheduled Tribe. However, when he submitted Community Certificate issued by the Mandal Revenue Officer, Pamulapadu Mandal, second respondent, having entertained *prima facie* doubt about the status of Scheduled Tribe claimed by him, he was advised to refer his case to the first respondent-Commissioner of Tribal Welfare, Hyderabad. Having considered the documents produced by the petitioner, the first respondent-Commissioner of Tribal Welfare, by proceedings, dated
17-10-2005, informed the Convener, Ed.Cet 2004-2005 that the petitioner does not belong to Chenchu Scheduled Tribe and he belongs to Chenchu Dasari community, which was never declared as Scheduled Tribe. Apprehending that on the basis of the said proceedings, the petitioner would not be allotted B.Ed. seat, this writ petition is filed seeking a direction to the second respondent to allot B.Ed. seat to the petitioner as per the merit rank obtained by him.

This Court, while directing Rule Nisi, by order dated
05-01-2006, directed the second respondent to admit the petitioner into B.Ed. Course as per the merit rank.

From the counter affidavit filed on behalf of the respondents, it is clear that on a reference made by the Commissioner of Tribal Welfare Department, Andhra Pradesh, Hyderabad regarding determination of the Schedule Tribe status claimed by the petitioner, the District Collector, Hyderabad has placed the matter before the District Level Scrutiny Committee to take necessary action. In pursuance thereof, the District Level Scrutiny Committee issued a notice to the petitioner calling upon to attend the enquiry regarding her community claim and to furnish all the necessary documentary evidence.

Learned counsel for the petitioner as well as the learned Government Pleader across the bar submitted that the said enquiry is still pending before the District Level Scrutiny Committee.

Having regard to the fact that the enquiry as contemplated under the Act with regard to determination of the Scheduled Tribe status claimed by the petitioner is still pending before the competent authority, I deem it appropriate to dispose of the writ petition granting liberty to the respondents to take appropriate action basing on the out come of such enquiry in accordance with the provisions of

the Act.

Accordingly, the writ petition is disposed of. No costs.

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G.ROHINI, J

Dated:09-06-2006

KLP